

CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF REAL ESTATE APPRAISERS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION OF
THE LICENSE OR CERTIFICATION
OF

JAMES G. KELLY
RC00154000

TO PRACTICE AS A REAL ESTATE
APPRAISER IN THE STATE
OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

COPY

FILED
BOARD OF
REAL ESTATE APPRAISERS

James S. Hsu
DR. JAMES S. HSU
Executive Director

This matter was opened to the New Jersey State Board of Real Estate Appraisers ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a real estate appraiser in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about March 24, 2006, pursuant to N.J.S.A. 45:1-18, the Board

conducted a random audit of a group of its licensees, asking them to submit proof with regard to the satisfaction of continuing education requirements for the 2004-2005 renewal period, i.e., twenty eight (28) approved credit hours; or for those licensed or certified in the first six months of 2005, fourteen (14) credit hours.

3. Respondent was among those appraisers asked to submit proof of satisfaction of continuing education requirements.

4. A letter dated March 24, 2006 was issued to respondent, asking for proof of satisfaction of continuing education requirements. The letter was sent by regular mail to respondent's address of record at 23 49th Street #2, Weehawkin, NJ 07086. No response was received. The mailing was not returned.

5. A second communication was sent on or about June 16, 2006 to respondent at his address of record by certified mail. Certified mail was signed for. No response has been received to date.

CONCLUSIONS OF LAW

1. Respondent's failure to respond to the Board's request for information constitutes a failure to cooperate with a Board investigation pursuant to N.J.A.C. 13:45C-1.2, -1.3, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on September 12, 2006, suspending respondent's license until he replied to the Board's previous request for information, and imposing a civil penalty in the amount of \$1,0000.00 for respondent's violation of N.J.A.C. 13:45C-1.2, -1.3. A

copy of the Order was forward to respondent by certified and regular mail at his address of record at 23 49th Street, #2, Weehawken, New Jersey 07086 on September 15, 2006. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Although the certified mail was returned unclaimed, regular mail was not returned. Because the Order was forwarded to respondent's address of record, the Board deems service to have been effected. Accordingly, it determined that further proceedings were not necessary and that the Provisional Order should be made final.

ACCORDINGLY, IT IS on this 14th day of November 2006,

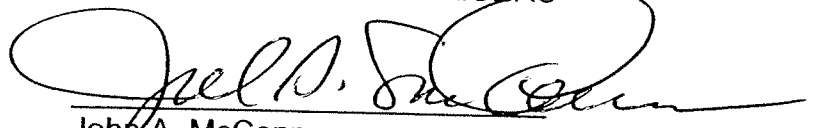
ORDERED that:

1. Respondent is hereby suspended until he has furnished a response to the Board's request for information with regard to the continuing education obligation.
2. A civil penalty in the amount of \$1000 is hereby imposed upon respondent for the violation of N.J.S.A. 45:1-21(e). Payment shall be made within twenty one (21) days in the form of a certified check or money order, made payable to the State of New Jersey, and forwarded to the attention of Dr. James S. Hsu, Executive

Director, Board of Real Estate Appraisers, P.O. Box 45032, 124 Halsey Street, Third Floor, Newark, NJ 07101.

3. Any disciplinary action taken with respect to the within Order shall be considered to apply only to the issue of respondent's failure to cooperate with the Board, and is separate and apart from the issue of whether respondent has complied with his continuing education obligation.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

A handwritten signature in black ink, appearing to read "John A. McCann", is written over a horizontal line.

John A. McCann
President